

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES EDWARD SCHMIDT,

Plaintiff,

v.

MARQUETTE COUNTY CIRCUIT
COURT,

Defendant.

Case No. 1:05-CV-789

Hon. Richard Alan Enslin

ORDER

This matter is before the Court on Plaintiff James Edward Schmidt's Motion for Temporary Restraining Order. The request, filed *pro se*, is for a restraining order and injunctive relief, that will "safeguard all assets associated with this case." (Pl.'s Mot. for TRO ¶ 8).

The authority to issue preliminary injunctive relief resides within the Court's discretion. *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 387 F.3d 522, 532 (6th Cir. 2004). When considering the prudence of exercising that discretion, the Court is advised to assess and balance the following factors:

- (1) the likelihood that the party seeking the preliminary injunction will succeed on the merits of the claim;
- (2) whether the party seeking the injunction will suffer irreparable harm without the grant of the extraordinary relief;
- (3) the probability that granting the injunction will cause substantial harm to others;
- and
- (4) whether the public interest is advanced by the issuance of the injunction.

United States v. Edward Rose & Sons, 384 F.3d 258, 261 (6th Cir. 2004) (citations omitted). Upon review of Plaintiff's Motion, it is apparent that the balance decidedly tips against entering injunctive relief.

Plaintiff has not enumerated any facts to suggest that: Plaintiff will likely succeed on the merits of his claim; suffer an irreparable injury; harm will occur to others; or the public interest will be advanced. Plaintiff's Motion for Temporary Restraining Order is a curious eight paragraph document that makes only one conclusory reference to safeguarding his assets. Plaintiff does not indicate why his assets need to be safeguarded; who the assets need to be safeguarded against; what exactly the assets are; or otherwise indicate why a temporary restraining order is proper.

THEREFORE, IT IS HEREBY ORDERED that James Edward Schmidt's Motion for Temporary Restraining Order (Dkt. No. 6) is **DENIED**.

DATED in Kalamazoo, MI:
January 12, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE